#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In Re Application of              | )         | FOR:  | DEVICE AND METHOD FOR    |
|-----------------------------------|-----------|-------|--------------------------|
| Beth Friedman, et al.             | )         |       | INDUCING VASCULAR INJURY |
|                                   | )         |       | AND/OR BLOCKAGE IN AN    |
| Serial No.: (filed                | herewith) |       | ANIMAL MODEL             |
|                                   | )         |       |                          |
| Filed: June 10, 2005              | )         |       |                          |
|                                   | )         | Grouj | p                        |
| Based on International App. No.   | )         | Art U | nit: Unknown             |
| PCT/US03/3942                     | 28 )      |       |                          |
| I.A. Filing Date: December 11, 20 | 03        |       |                          |

## INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR Sections 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO/SB/08A. With reference to the Pre-Official Gazette Notice by the Office of Patent Legal Administration, this application was filed after June 30, 2003, therefore copies of cited U.S. Patents and Publications are not submitted, however, copies of the foreign and non-patent literature documents are enclosed.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR 1.56. The submission thereof by Applicants is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR 1.97(h)), or even qualifies as "prior art" under 35 USC 102 with respect to this invention unless specifically designated by Applicant as such.

|  | CERTIFICATE OF MAILING   |
|--|--|
|  | (37 C.F.R. § 1.8)  |
| I hereby certify that this paper (along with any | referred to as being attached or enclosed) is being deposited with the United States |
| Postal Service on the date shown below with s    | ufficient postage as First Class Mail, addressed to Commissioner for Patents, P.O    |
| Box 1450, Alexandria, VA 22313-1450.             |  |
| June 10, 2005                                    | Eleanor M. Musick  |
|  | Name of Person Mailing Paper   |
|  |  |

Signature of Person Mailing Paper

2

U.S. National Stage of PCT/US03/39428 Information Disclosure Statement

### **FILING PROVISION**

This IDS is believed to be timely and is submitted under 37 CFR 1.97(b)(3) before the mailing of a first Office Action on the merits. However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c).

# PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

No fees are required with this filing under 37 CFR 1.97(b)(3), however, if applicant is incorrect in this regard or if the filing is accepted under 37 CFR 1.97(c), the Commissioner is hereby authorized to charge any fees required by the filing of these papers to Procopio's Deposit Account No. 50-2075.

Respectfully submitted,

Dated: June 10, 2005

Eleanor M. Musick Attorney for Applicants Registration No. 35,623

Procopio, Cory, Hargreaves & Savitch LLP 530 B Street, Suite 2100 San Diego, California 92101-4469 Telephone: (760) 931-9700

Facsimile: (760) 931-1155

Attorney Docket No. US3021 (111845-0056)

# JC06 Rec'd PCT/PTO 10 JUN 2005

PTO/SB/08A (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| Substitute for form 1449A/PTO                            |   |               |            | Complete if Known      |                           |  |  |
|--|---|---------------|------------|------------------------|---------------------------|--|--|
|  |   |               |            | Application Number     | 411/5385 (files herewith) |  |  |
| INFORMATION DISCLOSURE                                   |   |               |            | Filing Date            | #6710/2005                |  |  |
| STATEMENT BY APPLICANT (Use as many sheets as necessary) |   |               | PPLICANT   | First Named Inventor   | Beth Friedman             |  |  |
|  |   |               | necessary) | Group Art Unit         |                           |  |  |
|  |   | Examiner Name |            |                        |                           |  |  |
| Sheet  | 1 | of            | 2          | Attorney Docket Number | US3021 (111845-0056)      |  |  |

|                       | T            | Document Number   | 1                              | T  | T =   |          |
|-----------------------|--------------|---|--------------------------------|--|---|----------|
| Examiner<br>Initials* | Cite<br>No.1 | Number-Kind Code <sup>2 (if known)</sup>                                | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Column, Lines, Wher<br>Relevant Passages or<br>Relevant Figures Appear |          |
|                       | A1           |   |                                |  |   |          |
|                       |              |   |                                |  |   |          |
|                       |              |   |                                | ·  | 1 :   |          |
|                       |              |   |                                |  | ,   |          |
|                       |              |   | <u> </u>                       |  |   |          |
|                       |              |   |                                | · ·  | -   | —        |
|                       | <u> </u>     |   |                                |  |   |          |
|                       |              |   |                                |  |   |          |
|                       |              |   |                                |  |   |          |
|                       |              |   |                                |  |   |          |
|                       |              |   |                                |  |   |          |
|                       | <b> </b>     |   |                                |  |   |          |
|                       |              |   |                                |  |   |          |
| ,                     |              |   |                                |  |   |          |
|                       |              | FOR   | EIGN PATENT DO                 | CUMENTS  |   |          |
|                       |              | Foreign Patent Document   | Publication                    | Name of Patentee or<br>Applicant of Cited Document | Pages, Column, Lines, Where Relevant Passages or Relevant Figures Appear      |          |
| Examiner<br>Initials* | Cite<br>No.1 | Country Code <sup>3</sup> - Number <sup>4</sup> -Kind Code <sup>5</sup> | Date MM-DD-YYYY                |  |   |          |
|                       | A1           | WO 03/060477 A2   | 07-24-2003                     | The Regents of the Univ. of California             |   |          |
|                       |              |   |                                |  | 7   |          |
|                       |              |   |                                |  | Ļ   |          |
|                       |              |   |                                | ·  |   | $\vdash$ |
| Examiner S            |              |   |                                | Date Consid  |   |          |

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

<sup>&</sup>lt;sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent documents. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

JC98 Rac' - PCT/PTO 10 JUN 2005

Approved for use through 07/31/2006. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| Substitute for form 1449/PTO                     |   |    |   | Complete if Known      |                           |  |  |
|--|---|----|---|------------------------|---------------------------|--|--|
|  |   |    |   | Application Number     | 0.1538548(filed herewith) |  |  |
| INFORMATION DISCLOSURE<br>STATEMENT BY APPLICANT |   |    |   | Filing Date            | 06/10/2005                |  |  |
|  |   |    |   | First Named Inventor   | Beth Friedman             |  |  |
| (Use as many sheets as necessary)                |   |    | ) | Group Art Unit         |                           |  |  |
|  |   |    | • | Examiner Name          |                           |  |  |
| Sheet  | 2 | of | 2 | Attorney Docket Number | US3021 (111845-0056)      |  |  |

#### OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

|                       |              | OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS  |    |  |  |  |  |
|-----------------------|--------------|--|----|--|--|--|--|
| Examiner Initials*    | Cite<br>No.1 | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.              | T² |  |  |  |  |
|                       | ВА           | MITRA, P., et al., "Analysis of Dynamic Optical Imaging Data", <i>Imaging Neurons: A Laboratory Manual</i> (R. Yuste, et al., editors), 1999, pp. 9.1-9.9, Cold Spring Harbor Laboratory Press   |    |  |  |  |  |
|                       | ВВ           | KLEINFELD, D., et al., "Two-photon Imaging of Neocortical Microcirculation", <i>Imaging Neurons: A Laboratory Manual</i> (R. Yuste, et al., editors), 1999, pp. 23.1-23.15, Cold Spring Harbor Laboratory Press  |    |  |  |  |  |
|                       | ВС           | TSAI, P., et al., "All-optical, in-situ histology of neuronal tissue with femtosecond laser pulses", <i>Imaging In Neuroscience and Development: A Laboratory Manual</i> (R. Yuste, et al., editors), 2005, 102:815-826, Cold Spring Harbor Laboratory Press                 |    |  |  |  |  |
|                       | BD           | KLEINFELD, D., et al., "Fluctuations and stimulus-induced changes in blood flow observed in individual capillaries in layers 2 through 4 of rat neocortex", <i>Proc, Natl. Acad. Sci. USA</i> , December 1998, pp. 15741-15746, Vol. 95, Neurobiology                        |    |  |  |  |  |
|                       | BE           | FUJIMOTO, J., "Optical coherence tomography for ultrahigh resolution in vivo imaging", <i>Nature Biotechnology</i> , Volume 21, Number 11, November 2003, pp. 1361-1367  | •  |  |  |  |  |
| ,                     | BF           | XIE, T., et al., "High-speed optical coherence tomography using fiberoptic acousto-optic phase modulation", <i>Optics Express</i> , Dec. 1, 2003, pp. 3210-3219, Vol. 11, No. 24   |    |  |  |  |  |
|                       | BG           | POTTER, S., "Vital imaging: Two photons are better than one", <i>Current Biology</i> 1996, Vol 6, No. 12:1595-1598   |    |  |  |  |  |
|                       | ВН           | IYER, V., et al., "A compact two-photon laser-scanning microscope made from minimally modified commercial components", <i>Proceedings of SPIE – Multiphoton Microscopy in the Biomedical Sciences II</i> , A. Periasamy & P.T.C. So, Eds., June 2002, pp. 274-280, Vol. 4620 |    |  |  |  |  |
|                       | BI           | MAINEN, Z. F., et al., "Two-Photon Imaging in Living Brain Slices", Methods: A Companion to Methods in Enzymology, 1999, pp. 231-239, Vol. 18  |    |  |  |  |  |
|                       | BJ           | TSAI, P.S. et al., "Principles, Design and Construction of a Two-Photon Laser-Scanning Microscope for In Vitro and In Vivo Brain Imaging", pp. 113-171, Ch. 6 of <i>In Vivo Optical Imaging of Brain Function</i> , R.D. Frostig, Ed., 2002, CRC Press                       |    |  |  |  |  |
|                       | ВК           | TSAI, P.S., et al., "All-Optical Histology Using Ultrashort Laser Pulses", <i>Neuron</i> , July 3, 2003, pp.27-41, Vol. 39   |    |  |  |  |  |
|                       |              |  |    |  |  |  |  |
|                       |              |  |    |  |  |  |  |
|                       |              |  |    |  |  |  |  |
|                       |              |  |    |  |  |  |  |
| Examiner<br>Signature |              | Date Considered  |    |  |  |  |  |

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional).

² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.